
By: **Montgomery County Delegation**
Introduced and read first time: February 9, 2001
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Montgomery County - Juvenile Causes - Transfer of Jurisdiction**
3 **MC 105-01**

4 FOR the purpose of transferring jurisdiction over juvenile causes in Montgomery
5 County from the District Court sitting as the juvenile court to the circuit court
6 sitting as the juvenile court; repealing provisions of law conferring jurisdiction
7 over juvenile causes in Montgomery County on the District Court sitting as the
8 juvenile court; creating certain circuit court judgeships in Montgomery County;
9 repealing a requirement that juvenile causes be handled primarily or
10 exclusively by a certain number of judges in the District Court in Montgomery
11 County; repealing a requirement that any assignment in Montgomery County of
12 one or more judges specially to handle juvenile cases be made by the Chief Judge
13 of the District Court; requiring that any assignment in Montgomery County of
14 one or more judges specially to handle juvenile cases be made by the
15 administrative judge of the circuit court; repealing provisions of law specifying
16 appeal procedures from the District Court in Montgomery County sitting as the
17 juvenile court; transferring the authority to apply for placement of a child or
18 adolescent in a private therapeutic group home from the District Court in
19 Montgomery County sitting as the juvenile court to the Circuit Court for
20 Montgomery County sitting as the juvenile court; altering certain definitions;
21 clarifying language; providing for the repeal of laws inconsistent with this Act;
22 providing for the application and effect of this Act; providing for the transfer of
23 certain personnel; providing for the utilization of certain existing court facilities
24 by certain judges; providing for the effective dates of this Act; and generally
25 relating to the transfer of jurisdiction over juvenile causes in Montgomery
26 County from the District Court to the circuit court and the creation of certain
27 circuit court judgeships in Montgomery County.

28 BY repealing and reenacting, without amendments,
29 Article 1 - Rules of Interpretation
30 Section 14
31 Annotated Code of Maryland
32 (1998 Replacement Volume and 2000 Supplement)

1 BY repealing and reenacting, with amendments,
2 Article - Courts and Judicial Proceedings
3 Section 1-503(a)(15), 3-801(i), 3-803(a), 12-403(a), and 12-701(b)
4 Annotated Code of Maryland
5 (1998 Replacement Volume and 2000 Supplement)

6 BY repealing
7 Article - Courts and Judicial Proceedings
8 Section 1-604, 3-832, and 4-403
9 Annotated Code of Maryland
10 (1998 Replacement Volume and 2000 Supplement)

11 BY repealing and reenacting, without amendments,
12 Article - Courts and Judicial Proceedings
13 Section 3-801(a)
14 Annotated Code of Maryland
15 (1998 Replacement Volume and 2000 Supplement)

16 BY repealing and reenacting, without amendments,
17 Article - Family Law
18 Section 5-701(a)
19 Annotated Code of Maryland
20 (1999 Replacement Volume and 2000 Supplement)

21 BY repealing and reenacting, with amendments,
22 Article - Family Law
23 Section 5-701(f)
24 Annotated Code of Maryland
25 (1999 Replacement Volume and 2000 Supplement)

26 BY repealing and reenacting, with amendments,
27 Article - Health - General
28 Section 10-923(a)(7)
29 Annotated Code of Maryland
30 (2000 Replacement Volume)

31 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
32 MARYLAND, That the Laws of Maryland read as follows:

Article 1 - Rules of Interpretation

1

2 14.

3 (a) The word county shall be construed to include the City of Baltimore, unless
4 such construction would be unreasonable.

5 (b) Circuit court for the county includes the Circuit Court for Baltimore City
6 unless the context clearly requires otherwise.

7

Article - Courts and Judicial Proceedings

8 1-503.

9 (a) In each county in the first seven judicial circuits there shall be the number
10 of resident judges of the circuit court set forth below, including the judge or judges
11 provided for by the Constitution:

12 (15) Montgomery[17] 21

13 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
14 read as follows:

15

Article - Courts and Judicial Proceedings

16 [1-604.

17 Three of the judges in District 6 shall have as their primary duty and, if made
18 necessary by the case load their exclusive duty, the handling of juvenile causes.]

19 3-801.

20 (a) In this subtitle, the following words have the meanings indicated, unless
21 the context of their use indicates otherwise.

22 (i) "Court" means the circuit court of a county [or Baltimore City] sitting as
23 the juvenile court. [In Montgomery County, it means the District Court sitting as the
24 juvenile court and following the applicable rules of the circuit court.]

25 3-803.

26 (a) In Baltimore City, Prince George's County and in any county in which the
27 case load requires it, one or more judges shall be assigned specially to handle cases
28 arising under this subtitle. The assignment shall be made by the administrative judge
29 of the circuit, subject to the approval of the Chief Judge of the Court of Appeals[,
30 except that in Montgomery County, the assignment shall be made by the Chief Judge
31 of the District Court, subject to the approval of the Chief Judge of the Court of
32 Appeals]. The judges so assigned are not subject to an automatic regular rotation.

1 [3-832.

2 For purposes of Title 12 of this article, an action, decision, order, or judgment of
3 the District Court in Montgomery County sitting as the juvenile court shall be treated
4 in the same manner as if it had been made, done, or entered by a circuit court.]

5 [4-403.

6 In Montgomery County only, the District Court has jurisdiction in juvenile
7 causes as provided in Title 3, Subtitle 8 of this article.]

8 12-403.

9 (a) An appeal from the District Court sitting in one of the counties shall be
10 taken to the circuit court of the county in which judgment was entered. [In
11 Montgomery County, an appeal from the District Court sitting as a juvenile court
12 shall be as provided for in § 3-832 of this article.]

13 12-701.

14 (b) An appeal from [the] A judgment of a juvenile court[, including the
15 District Court, in the exercise of its juvenile jurisdiction in Montgomery County, and]
16 with respect to a child[, does not stay the final judgment appealed from, nor does it
17 discharge] NEITHER STAYS THE JUDGMENT NOR DISCHARGES the child from custody
18 of a person, institution, or agency to whose care the [child was committed by the
19 court] JUVENILE COURT HAS COMMITTED THE CHILD. The appellate court may
20 authorize a stay, on application and hearing, if it finds that suitable provision is made
21 for the care and custody of the child.

22

Article - Family Law

23 5-701.

24 (a) In this subtitle the following words have the meanings indicated.

25 (f) "Court" means[:

26 (1)] the circuit court for a county sitting as a juvenile court[; or

27 (2) in Montgomery County, the District Court sitting as a juvenile
28 court].

29

Article - Health - General

30 10-923.

31 (a) Application for placement of a child or adolescent in a private therapeutic
32 group home may be made under this section by:

1 (7) The circuit court of a county[, Baltimore City] sitting as the juvenile
2 court[, and in Montgomery County, the District Court sitting as juvenile court].

3 SECTION 3. AND BE IT FURTHER ENACTED, That all laws or parts of
4 laws, public general or public local, inconsistent with this Act are repealed to the
5 extent of the inconsistency.

6 SECTION 4. AND BE IT FURTHER ENACTED, That this Act does not affect
7 any juvenile causes pending in the District Court in Montgomery County at the end of
8 February 28, 2002, other than in transfer of the causes to the Circuit Court for
9 Montgomery County as provided in this Act, and such juvenile causes shall continue
10 in effect and shall be treated in the manner provided for treatment of juvenile causes.

11 SECTION 5. AND BE IT FURTHER ENACTED, That this Act does not affect
12 any action, decision, order, or judgment of the District Court in Montgomery County
13 sitting as the juvenile court made prior to March 1, 2002, with respect to a proceeding
14 transferred to the jurisdiction of the Circuit Court for Montgomery County on that
15 date, and such action, decision, order, or judgment shall continue in effect and shall be
16 treated in the same manner as if it had been made, done, or entered by a circuit court.

17 SECTION 6. AND BE IT FURTHER ENACTED, That this Act does not affect,
18 and may not be construed as affecting, the instituting of any proceeding in the Circuit
19 Court for Montgomery County on or after March 1, 2002, in accordance with this Act,
20 based wholly or partly on acts occurring before that date, and in no way does the
21 repeal or amendment of any provision of this Act have the effect of releasing,
22 extinguishing, or changing wholly or partly any penalty, forfeiture, order or judgment
23 for restitution, order for commitment, or other action by the juvenile court in any
24 county or Baltimore City.

25 SECTION 7. AND BE IT FURTHER ENACTED, That this Act may not be
26 construed in any manner to constrain the power of the Chief Judge of the Court of
27 Appeals to cross designate a judge of the District Court to a circuit court or the power
28 of a circuit or county administrative judge to assign such cross-designated judge to sit
29 in the juvenile court or to prevent a District Court judge from applying for a circuit
30 court judgeship.

31 SECTION 8. AND BE IT FURTHER ENACTED, That personnel other than
32 judges who are employed by the District Court and who are assigned to the juvenile
33 court in Montgomery County shall be transferred to the office of the Clerk of the
34 Circuit Court for Montgomery County on March 1, 2002, without any loss of
35 compensation or benefits solely as a result of the transfer, and the Clerk of the Circuit
36 Court for Montgomery County, the Administrative Office of the Courts, and the Chief
37 Judge of the District Court shall cooperate to accomplish this transfer.

38 SECTION 9. AND BE IT FURTHER ENACTED, That until otherwise
39 provided in the Montgomery County Capital Improvement Program or otherwise
40 agreed between the Chief Judge of the Court of Appeals and the Montgomery County
41 government, circuit court judges exercising juvenile jurisdiction, including child

1 welfare cases, transferred under the provisions of this Act, shall utilize existing
2 facilities in the Grey Courthouse.

3 SECTION 10. AND BE IT FURTHER ENACTED, That Sections 2, 4, 5, 6, 7, 8,
4 and 9 of this Act shall take effect March 1, 2002.

5 SECTION 11. AND BE IT FURTHER ENACTED, That, except as provided in
6 Section 10 of this Act, this Act shall take effect July 1, 2001.